Paper No. 25

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte YOSHIHIRO NAKA

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Appeal No. 2000-0257
Application No. 08/532,886

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Heard: November 7, 2001

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Before KRASS, DIXON, and BLANKENSHIP, **Administrative Patent Judges**.

DIXON, **Administrative Patent Judge**.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 19-38, which are all of the claims pending in this application.

We REVERSE.

BACKGROUND

The appellant's invention relates to a control method and system for resetting backup data. An understanding of the invention can be derived from a reading of exemplary claim 19, which is reproduced below.

> 19. A system comprising:
>
> a connection board;
>
> a plurality of circuit packages being detachably connected to said connection board, each of the plurality of circuit packages using start-up setting data for start-up operation;
>
> a first package detachably connected to the connection board and comprising:
>
> a backup memory for storing the start-up setting data,
>
> a disconnection detector for detecting disconnection of the first package from the connection board to produce a disconnection signal, and
>
> a state memory for storing one of a first state and a second state such that the second state is normally stored and is changed to the first state when the disconnection signal is produced; and
>
> a second package for controlling the plurality of circuit packages and the first package through the connection board, the second package being detachably connected to the connection board and comprising a controller for determining whether the start-up setting data stored in the backup memory is valid by checking which of the first state and the second state is stored in the state memory of the first package.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Saitoh	4,587,640	May 6, 1986
Matsushita et al. (Matsushita)	4,777,626	Oct. 11, 1988

Claims 19-38 stand rejected under 35 U.S.C. § 103 as being unpatentable over Matsushita in view of Saitoh.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellant regarding the above-noted rejections, we make reference to the examiner's answer[1] (Paper No. 19, mailed Apr. 29, 1999) for the examiner's reasoning in support of the rejections, and to the appellant's brief (Paper No. 18, filed Feb. 26, 1999) and reply brief (Paper No. 20, filed Jun. 29, 1999) for the appellant's arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellant's specification and claims, to the applied prior art references, and to the respective positions articulated by the appellant and the examiner. As a consequence of our review, we make the determinations which follow.

[1] We note that the examiner has not included the text of a statement of the rejection in the answer at page 3 nor has incorporated one from a prior action, but the examiner merely has set forth the heading for a rejection. Therefore, we assume that the examiner intended to incorporate the rejection from the final rejection, but the final rejection incorporates the rejection as set forth in paper number 12. Therefore, we look to this paper to establish the prima facie case of obviousness.

Appellant argues that the second package judges the validity of the data in the backup memory depending on the state stored in the state memory which is based upon whether the backup memory has been disconnected. (See brief at page 5.) We agree with appellant that the claimed invention detects the detachment and sets an indicator that the memory has been detached and that the data therein should not be trusted and is deemed not valid. (See brief at page 6.)

Appellant argues that Matsushita does not teach or suggest any detachable feature, but Matsushita does detect whether there is a lack of adequate power to the memory and judges the validity of the data based upon the low power condition. (See brief at page 6.) We agree with appellant that Matsushita does not recognize the disconnection and setting of a state memory based upon a disconnection signal.

Appellant argues that Saitoh teaches the detection of a disconnection of the memory and automatic switching of the power from one power source to another power source. (See brief at page 6.) Appellant argues that in the combination of the two teachings, the only basis for judging validity of the data would have been the whether there was a lack of adequate power constantly supplied to the memory. (See brief at page 7.) We agree with appellant. From our review of Matsushita and Saitoh, we find no motivation to have a signal indicating the disconnection and storage of this state in a state memory. Rather, we

find only the suggestion to record/indicate if inadequate power is supplied to the memory which would corrupt the data stored therein.

The examiner maintains that there is not support for appellant's argument that the data is determined to be invalid even with adequate power is applied at all times. (See answer at page 4.) We agree with the examiner that this limitation is not expressly recited in this manner in the language of independent claim 19, but we find sufficient support in the monitoring for a disconnection and storing this fact in a state memory for indication to the system that the memory has been detached and the data therein is not to be trusted. Therefore, there is a basis in the language of independent claim 19 for this argument. The examiner further explains the motivation for the combination and the interpretation of the teachings of the references at pages 5 and 6 of the answer. The examiner continues to rationalize that the skilled artisan would have been motivated to store the fact that the memory was disconnected from the main frame and that the memory relies on the back up power to maintain the memory above the threshold voltage. (See answer at pages 5-6.) We find no support in Matsushita or Saitoh for the examiner's conclusion that validity is judged based upon the disconnection of the memory. Therefore, the examiner has not established a ***prima facie*** case of obviousness, and we cannot sustain the rejection of independent claim 19 and its dependent claims 20-27. Independent claims 28 and 34 and their dependent claims contain similar limitations concerning the storage of the

disconnection in the state memory to indicate a determination of invalidity of the data stored in the detached memory. Therefore, we cannot sustain the rejection of claims 28-38.

CONCLUSION

To summarize, the decision of the examiner to reject claims 19-38 under 35 U.S.C. § 103 is reversed.

REVERSED

ERROL A. KRASS Administrative Patent Judge	)
JOSEPH L. DIXON Administrative Patent Judge	) BOARD OF PATENT) APPEALS) AND) INTERFERENCES
HOWARD B. BLANKENSHIP Administrative Patent Judge	)

JD/RWK

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